IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 6579 of 2005

Between:

1 Bokkalla Gandiah, s/o late Pochaiah,
R/o Devarajamjal Village, Shamirpet Mandal, R.R.District.
2 Bokkalla Bala Mallaiah, s/o late Pochaiah,
R/o Devarajamjal Village, Shamirpet Mandal, R.R.District.

..... PETITIONERS

AND

1. Govt. of AP., rep., by its Secretary, Revenue Department,

Secretariat, Hyderabad-4.
2 The Special Grade Deputy Collector, and RDO East Division,

R.R.District, Gosha Mahal, Hyderabad.
3 The MRO. Sharmeerpet Mandal, R.R.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the inaction of the respondents in not issuing the ownership certificate U/s.38E of the Tenancy Act to the petitioners as arbitrary, illegal and consequently direct the respondents to issue the ownership certificate U/s.38E of the Tenancy Act in respect of Agricultural land adm.Ac.3.13 gunta in Sy.No.275 of Devara Jamjal Village, Shameerpet Mandal, R.R.District.

Counsel for the Petitioner:MR.C.M.R.VELU

Counsel for the Respondents: GP FOR REVENUE

The Court made the following O R D E R:

This writ petition is filed by the petitioners, who are two in number, with a prayer to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not issuing the ownership certificate under Section 38-E of the A.P. (TA) Tenancy & Agricultural Lands Act, 1950 (for short 'the Act') as illegal arbitrary and consequently, direct the respondents to issue the ownership certificate under Section 38-E of the Act.

It is the case of the petitioners that their father late B.Pchaiah was the protected tenant and therefore, they are entitled to ownership certificate under Section 38-E of the Act. The application filed by them on earlier occasion came to be rejected for want of certain particulars. The petitioners filed the latest application on 23.07.2004 and the relief claimed in the said application is to furnish the extract of the deemed protected tenants under Section 37-A lists prepared in the Earthwile Tahsil office in respect of Sy.No.275 of Devarayamjal village. Since no orders has been passed on the said application, they approached this Court by invoking the jurisdiction under Article 226 of the Constitution of India.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

The petitioners seek copy of the extract of the deemed protected tenants under Section 37-A lists prepared in the Earthwile Tahsil office in respect of Sy.No.275 of Devarayamjal village. It appears that no action has been taken by

the respondents on the application dated 23.07.2005. Hence, I deem it appropriate to dispose of the writ petition with a direction to the respondents to consider the application of the petitioners dated 23.07.2005 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

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18.07.2005

Note:CC in one week

bo

usd
To

1. The Secretary, Govt. of AP., Revenue Department,

Secretariat, Hyderabad-4.
2 The Special Grade Deputy Collector, and RDO East Division,

R.R.District, Gosha Mahal, Hyderabad.
3 The MRO. Sharmeerpet Mandal, R.R.District.

4 Two CCs to G.P. for Revenue, High Court of A.P., Hyderabad (OUT).

5 2 CD copies

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